

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR
INTEGRATED CIRCUITS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-665

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**NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION
337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(October 14, 2009)

On this date, I issued an initial determination on violation of section 337 and recommended determination on remedy and bond in the above-referenced investigation. Below are the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and I have had an opportunity to review the redactions.


CONCLUSIONS OF LAW

1. The Commission has subject matter jurisdiction, *in rem* jurisdiction, and *in personam* jurisdiction.
2. Qimonda has standing to assert the patents-in-suit against Respondents.
3. There has been an importation of the accused semiconductor integrated circuits and products containing same which are the subject of the alleged unfair trade allegations.
4. An industry does not exist in the United States that exploits U.S. Pat. No. 5,213,670, as required by 19 U.S.C. § 1337(a)(2).

5. An industry does not exist in the United States that exploits U.S. Pat. No. 5,646,434, as required by 19 U.S.C. § 1337(a)(2).
6. An industry does not exist in the United States that exploits U.S. Pat. No. 5,851,899, as required by 19 U.S.C. § 1337(a)(2).
7. An industry does not exist in the United States that exploits U.S. Pat. No. 6,495,918, as required by 19 U.S.C. § 1337(a)(2).
8. U.S. Patent No. 5,213,670 is valid and enforceable.
9. Claims 1, 2, 3, and 5 of U.S. Patent No. 5,646,434 are invalid under 35 U.S.C. § 102.
10. If claims 2 and 3 of U.S. Patent No. 5,646,434 are not found to be invalid under 35 U.S.C. § 102, claims 2 and 3 of U.S. Patent No. 5,646,434 are invalid under 35 U.S.C. § 103.
11. U.S. Patent No. 5,851,899 is valid and enforceable.
12. Claims 1, 2, 4, 7, and 11 of U.S. Patent No. 6,495,918 are invalid under 35 U.S.C. § 102.
13. None of the accused products literally infringe U.S. Pat. No. 5,213,670.
14. None of the accused products literally infringe U.S. Pat. No. 5,646,434.
15. None of the accused products literally infringe U.S. Pat. No. 5,851,899.
16. All LSI semiconductor integrated circuits manufactured pursuant to the Gflx technology node and products containing same literally infringe claims 1, 2, 7, and 11 of U.S. Patent No. 6,495,918.
17. The Agere True PHYJET1011B and FW803 products are not licensed under any asserted Qimonda patents.

18. There is no violation of 19 U.S.C. § 1337(a)(1).

SO ORDERED.



Robert K. Rogers, Jr.
Administrative Law Judge